

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Charles R. Norgle	Sitting Judge If Other than Assigned Judge	
CASE NUMBER	01 C 7263	DATE	10/29/2004
CASE TITLE	Tony Sherman vs. Premium Concrete Cutting Inc.		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]


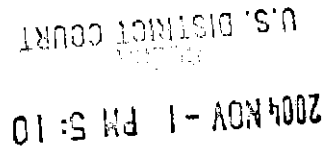
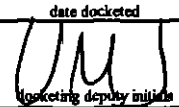
MOTION:

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DOCKET ENTRY:

- (1) ☐ Filed motion of [use listing in "Motion" box above.]
- (2) ☐ Brief in support of motion due _____.
- (3) ☐ Answer brief to motion due _____. Reply to answer brief due _____.
- (4) ☐ Ruling/Hearing on _____ set for _____ at _____.
- (5) ☐ Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (6) ☐ Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (7) ☐ Trial[set for/re-set for] on _____ at _____.
- (8) ☐ [Bench/Jury trial] [Hearing] held/continued to _____ at _____.
- (9) ☐ This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]
☐ FRCP4(m) ☐ Local Rule 41.1 ☐ FRCP41(a)(1) ☐ FRCP41(a)(2).
- (10) ☒ [Other docket entry] The parties motions to vacate is granted in part, and the court relinquishes its supplemental jurisdiction over the remaining state law claims.

- (11) ☒ [For further detail see order attached to the original minute order.]

No notices required, advised in open court.		courtroom deputy's initials		number of notices	Document Number 56
No notices required.				NOV 02 2004	
Notices mailed by judge's staff.				date docketed	
Notified counsel by telephone.					
<input checked="" type="checkbox"/> Docketing to mail notices.				NOV 02 2004	
<input checked="" type="checkbox"/> Mail AO 450 form.	date mailed notice	mailing deputy initials			
Copy to judge/magistrate judge.	Date/time received in Central Clerk's Office				

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The parties have no objection to this court entering a judgment in favor of the four Fair Labor Standards Act plaintiffs in sums certain and against defendants both jointly and severally.

II. DISCUSSION

The court has reviewed the parties' pleadings on vacating and modifying this court's Opinion and Order dated July 1, 2004. The parties agree that the July 1, 2004 Opinion and the July 2, 2004 Judgment in a Civil Case should be modified to enter judgment in a sum certain for each of the four plaintiffs in the federal counts and against the defendants jointly and severally. The parties disagree on what should be done with the state court counts.

III. CONCLUSION

The Opinion of July 1, 2004 is amended to enter judgment in favor of the individual plaintiffs in the FLSA counts and against Defendants Premium Concrete Cutting, Inc. and Defendant Bryan Mraz both jointly and severally in the following amounts:

1. For Plaintiff Daniel Ringier \$28,363.12
2. For Plaintiff Tony Sherman \$ 1,695.51
3. For Plaintiff Thomas Bastian \$ 2,309.19
4. For Plaintiff Donald Zucco \$ 619.56

For the reasons stated in the July 1, 2004 Opinion no ruling on the state court counts has been or will be made. The court relinquishes its supplemental jurisdiction over the remaining state law claims.

IT IS SO ORDERED

ENTER:


CHARLES RONALD NORGLÉ, Judge
United States District Court

DATED: 10/29/04